

TOWN OF ABINGDON, VIRGINIA  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 3, 2006 – 7:30 P.M.  
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, April 3, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys  
Dr. French H. Moore, Jr., Vice Mayor  
Mr. Robert M. Howard  
Mr. Thomas C. Phillips, Jr.  
Mr. Edward B. Morgan

Comprising a quorum of the Council

Administrative Staff: G. M. Newman, Town Manager  
Greg Kelly, Town Attorney  
Mark Godbey, Finance Director  
C. M. Vernon, Jr., Public Works Director  
Garrett Jackson, Planning Director  
Tony Sullivan, Police Chief  
Myra Cook, Tourism Director  
Jim Smith, Town Engineer  
Chris Johnson, Parks & Recreation Director  
Kevin Sigmon, Arborist  
Linda F. Wilson, Town Clerk

Visitors: Members of the VFW and American Legion, Trey Smith,  
Robert Gilmer, Charlene Truhlik, Shawnee Jessee, and others

Mayor Humphreys welcomed Boy Scout Troop #222 to the meeting.

B. APPROVAL OF MINUTES – March 6, 2006 Work Session & March 6, 2006 Regular Meeting

Mr. Phillips made the motion that the minutes of the March 6, 2006 work session, and the March 6, 2006 regular meeting be approved as submitted. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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Mayor Humphreys introduced representatives of the VFW and the American Legion. They presented plaques to Ann Newman, Horticulturist, and employees of the Public Works and Recreation Department for installation of the waterfall located at the entrance to Veterans Memorial Park.

Mrs. Newman accepted the plaques. She expressed appreciation on behalf of herself and the supporting staff. She also expressed appreciation to Council and the Town Manager for their support.

C. PETITIONS AND PUBLIC HEARINGS

1. **PUBLIC HEARING** – **APPEAL FROM BOARD OF ARCHITECTURAL REVIEW** –

Pursuant to Section 8-12-1 of the Zoning Ordinance of the Abingdon Town Code, William E. Cline and Betty L. Cline, 16048 Briarwood Drive, Abingdon, Virginia 24210; have noted an appeal to the decision of the Abingdon Board of Architectural Review on November 2, 2005, denying their application for a Certificate of Appropriateness, to place synthetic siding on their rental house located at 108 East Valley Street, [Tax Map No. 12 (1) 49], in the Old and Historic District of the Town of Abingdon.

Attorney Trey Smith represented William E. and Betty L. Cline. Mr. Smith advised that the matter was previously considered at the December 5, 2005 meeting. At that time, the Clines understood that the compromise was to remove the vinyl siding from the front of the house and refurbish it to the original wood. Therefore, they had agreed to do so.

Mr. Smith added, also at the December 5, 2005 meeting, Council had suggested that the Clines resubmit an amended application to the Board of Architectural Review, noting their compromise. Therefore, they appeared before the Board of Architectural Review on December 7, 2005. A motion was made for the compromise; however there was no second. Mr. Smith concluded that the Clines remain willing to accept the compromise. He requested that it be upheld by Council.

Mr. Morgan commented that on December 5, 2005, he understood the acceptable compromise to be that the Clines would remove the vinyl siding from the front of the house. Therefore, Mr. Morgan made the motion that Council accept the Clines' request for a Certificate of Appropriateness that would permit the use of vinyl siding, except on the front of the house where the vinyl siding would be removed and restored to the original appearance. Dr. Moore seconded the motion.

Mr. Phillips read the motion from the December 5, 2005 meeting to clarify the difference between that motion and the current one. He added that he serves as the Council representative on the Board of Architectural Review. Therefore, he had been involved in the matter.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Nay

Mr. Howard based his vote on a paragraph included in the Design Review Guidelines for the Old and Historic Zoning District. He asked the Town Attorney to read that paragraph.

Mr. Kelly read the following: the Board of Architectural Review may differentiate its requirements on the basis of contributing versus non contributing structures, visibility from public streets, ways or places and the nature of surrounding properties.

Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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D. **CONSIDERATION OF ANY BIDS**

1. **Consideration – Request for Approval, Annual Audit Proposals FY 2006-2011.**

Dr. Moore made the motion to approve the recommendation of the Finance Director to enter into a contract with Bostic, Tucker and Company, P.C. for the annual audit proposals for FY 2006-2011. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye  
Dr. Moore – Aye Mayor Humphreys – Aye

The motion carried.

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E. REPORTS FROM THE TOWN MANAGER

1. Consideration – Emergency Funding Request of \$75,000. (Barter Theatre)

Robert Gilmer, a resident of Barter Drive, spoke on behalf of Barter Theatre. Mr. Gilmer advised that the Barter scene shop was recently destroyed by fire. Their plan is to rebuild at the original site, utilizing the space of the refurbished portion of the building that could be salvaged and adding 9,600 square feet to replace the destroyed building.

Mr. Gilmer noted that Barter has requested \$75,000 from Washington County. He requested \$75,000 from the Town. Barter also plans to request funding from the Tobacco Commission, the Commonwealth of Virginia, and corporate and individual donors.

Mr. Gilmer introduced the Barter Technical Director who reviewed the various uses for space to be located in the new facility.

Mr. Morgan commented that he was receptive to considering the request. However; budget year 2005-2006 was nearing completion and it was not known if there would be excess funds. He advised Mr. Gilmer that the request would be considered in the new budget year.

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2. Consideration – Request to Declare Surplus Equipment to be Sold at Auction.

The Town Manager advised that the equipment listed is no longer used. Therefore, he requested that it be declared surplus and sold at auction.

Mr. Morgan made the motion that the equipment listed in the Council packet be declared surplus and offered for sale at auction. Mr. Howard seconded the motion.  
(copy attached to and made a part of these minutes)

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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F. REPORTS FROM THE TOWN ATTORNEY

1. Consideration – Request for Approval, Agreement for Virginia Highlands Small Business Incubator. (Washington County, Virginia)

The Town Attorney advised that the proposed agreement sets forth the terms and conditions of ownership and liability between Washington County, the Town of Abingdon, and the Virginia Highlands Small Business Incubator. The Town and the County would each contribute 50% toward the operation cost of the Incubator. He added that the agreement also states that each government will be allowed to appoint four board members, and those eight members will appoint a ninth member at large.

Mr. Howard made the motion to proceed and execute the agreement for the Virginia Highlands Small Business Incubator as presented. Mr. Morgan seconded the motion.  
(copy attached to and made a part of these minutes)

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Abstained (member of Incubator Board)		Mayor Humphreys – Aye

The motion carried.

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J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Concerns re: Article 8 OH Old & Historic District. (Charlene Truhlik)

Charlene Truhlik, a resident of 147 E. Valley Street (Sub-section 7 of the OH District), advised that she had purchased her property as a retirement investment. She had refused to sign petitions regarding changes in the Historic District regarding the use of her property. She was told that she would be allowed to apply for a Special Use Permit for her property. However, after contacting the Planning Director, she was informed that according to the amended ordinance, Special Use Permits would not be allowed.

Ms. Truhlik presented calculations regarding the rental and sale of investment property versus residential property. She noted that only one section of Valley Street, sub-section 7, was denied professional use in the recent changes to the Historic District.

Mr. Morgan asked the Town Attorney if there is any provision for Special Use Permits in the recently amended ordinance. Mr. Kelly replied no.

Ms. Truhlik asked if her property was grandfathered under the previous ordinance. Mr. Kelly replied that if use of a structure existed at the time the previous amendments were grandfathered, and provided there was no abandonment of that use for a period of 2 years it would be. However, Ms. Truhlik's property had not been used as professional space. He added that was pursuant to Section 15.2230 of the Code of Virginia.

Mr. Morgan advised that following numerous requests from homeowners regarding the transition of properties in the Historic District, he had proposed some changes to the ordinance. Consequently, the Historic District Study Committee was established. Initially, some members of the Committee were opposed to the changes. However, following a series of discussions, the Committee agreed on a proposal that was recommended to Council, the Board of Architectural Review, and the Planning Commission.

Ms. Truhlik asked why only one district was denied the use for professional office space. Mr. Morgan replied that he would review the Committees discussions in an effort to give her an answer.

Kathy Lowe asked if Ms. Truhlik could go before the Planning Commission and request that sub-section 7 of Valley Street be included for professional use in the Historic District. The Town Attorney suggested that the request be referred back to the Historic District Study Committee for their review and recommendation to Council, and further that Council would determine whether or not the request would go before the Planning Commission.

Dr. Moore made the motion to refer the request of Charlene Truhlik, to include sub-section 7 of Valley Street for professional use in the Historic District, to the Historic District Study Committee for them to examine and bring before Council to determine whether or not the request will go before the Planning Commission. Mr. Howard seconded the motion.

The roll call vote was:	Mr. Morgan – Aye	Mr. Phillips – Aye	Mr. Howard – Aye
	Dr. Moore – Aye	Mayor Humphreys – Aye	

The motion carried.

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2. Annual Report. (Kevin Sigmon, Arborist)

Kevin Sigmon, Arborist, presented the annual report as required by the Vegetation Ordinance. Mr. Sigmon reported on highlights of 2005 and objectives and goals for 2006.  
(copy attached to and made a part of these minutes)

Mr. Sigmon noted that he plans to establish a comprehensive tree management plan. The inventory will be contracted by utilizing 50/50 grant funds for the project.

Mr. Sigmon extended an invitation to the Arbor Day/Earth Day Celebration to be held on Sunday, April 23, 2006 at 2:00 P.M. at Veterans Memorial Park.

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3. Set Date for Budget Work Session.

Dr. Moore made the motion that Council tour all Town departments on April 18, 2006 beginning at 8:00 A.M., and that the budget work session be scheduled for April 19, 2006 at 7:00 P.M. Mr. Morgan seconded the motion.

The roll call vote was:      Mr. Morgan – Aye              Mr. Phillips – Aye              Mr. Howard – Aye  
   Dr. Moore – Aye              Mayor Humphreys – Aye

The motion carried.

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4. Appointments-

a. Planning Commission

Doris Shuman – 6-year term expired 3/31/2006

Gary Kimbrell – Term expired 3/31/2006

(Appointed 2/6/06 to fill 6-year unexpired term of Rick Stevens)

b. Board of Architectural Review

Doris Shuman – 3-year term to expire 3/31/08

(Serves as member of Planning Commission, term expired 3/31/2006)

Mayor Humphreys advised that Council would go into closed session to consider the appointments.

K. MATTERS NOT UPON THE AGENDA

1. Shawnee Jessee, a resident of 14489 Providence Road, represented Abingdon Little League. Ms. Jessee advised that she is currently serving a fundraising coordinator for the organization. She spoke on behalf of the Board and expressed appreciation for the use of Latture Field.

Ms. Jessee noted that the Little League is planning a family fun day at Latture Field in the near future. They plan to use inflatable play equipment. However, the Little League insurance is for players only and will not cover liability for the Town of Abingdon. Additional insurance will cost \$1,200 - \$2,000. Ms. Jessee requested funding to help defray the cost for additional insurance coverage.

Mr. Phillips suggested that the Parks and Recreation Director contact the Town's insurance provider to determine if a rider could be added to the policy. Mr. Johnson replied that he would do so.

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Mr. Phillips made the motion to go into closed session pursuant to 2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion of appointments to the Planning Commission and the Board of Architectural Review. Dr. Moore seconded the motion.

The roll call vote was:      Mr. Morgan – Aye              Mr. Phillips – Aye              Mr. Howard – Aye

Dr. Moore - Aye

Mayor Humphreys - Aye

The motion carried.

Mr. Phillips made the motion to reconvene in regular session. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips - Aye Mr. Howard - Aye  
Dr. Moore - Aye Mayor Humphreys - Aye

The motion carried.

The following certification was adopted:

Whereas, the Town Council of Abingdon, Virginia has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.2-3712(D) of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Town Council of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

The roll call vote was: Mr. Morgan - I so certify Mr. Phillips - I so certify  
Mr. Howard - I so certify Dr. Moore - I so certify Mayor Humphreys - I so certify

The motion carried.

Dr. Moore made the motion to appoint Kenny Shuman to the Planning Commission for a 6-year term to expire 3/31/2012, subject to his acceptance. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips - Aye Mr. Howard - Aye  
Dr. Moore - Aye Mayor Humphreys - Aye

The motion carried.

Mr. Morgan made the motion to appoint Gary Kimbrell to the Planning Commission for a 6-year term to expire 3/31/2012. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips - Aye Mr. Howard - Aye  
Dr. Moore - Aye Mayor Humphreys - Aye

The motion carried.

Dr. Moore made the motion to adjourn. Mr. Howard seconded the motion and the vote was unanimous. The time was 8:50 P.M.

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Lois H. Humphreys, Mayor

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Linda F. Wilson, Clerk

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